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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,370	07/03/2003	Kenneth Strannemalm	018798-172	3714
7590 03/20/2006 BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			EXAMINER GIBSON, KESHIA L	
			ART UNIT 3761	PAPER NUMBER
DATE MAILED: 03/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No. 10/612,370	Applicant(s) STRANNEMALM, KENNETH	
	Examiner Keshia Gibson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-6, 10-17, 19-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:
 - a. Species I. Figs. 1-4: Garment as two rectangular pieces, triangular absorbent body with laterally-extending, longitudinally-spaced fold notches.
 - b. Species II. Fig. 5: Garment as two rectangular pieces, triangular absorbent body with "U-shaped" fold notches.
 - c. Species III. Fig. 6: Garment as two rectangular pieces, triangular absorbent body with "V-shaped"/slanted fold notches.
 - d. Species IV. Figs. 7-8: Garment as two rectangular pieces, hourglass-shaped absorbent body.
 - e. Species V. Fig. 9: Garment as two rectangular pieces, absorbent body has area of reduced thickness as deformation zone.
 - f. Species VI. Fig. 10: Garment as two rectangular pieces, absorbent body comprises two separate, stacked absorbent bodies.
 - g. Species VII. Fig. 11: Garment as two rectangular pieces, multi-layered absorbent body with alternating layers of nonwoven material and highly absorbent particles.

- h. Species VIII. Fig. 12: Two-piece product with absorbent body as insert, the absorbent further comprising a recess, edge elastics, and “V-shaped”/slanted fold notches.
- i. Species IX. Fig. 13: Pants-like garment with concave recess between hip sections.
- j. Species X. Fig. 14: Garment comprising triangular absorbent body with laterally-extending, longitudinally-spaced fold notches and elastic zones.
- k. Species XI. Fig. 15: Garment as two rectangular pieces, absorbent body comprises a number of separate longitudinally-extending, laterally-spaced absorption bodies.

The species are independent or distinct because each comprises variations in the overall construction, the characteristics of the absorbent body, or both—for example Species I requires a garment formed from a laterally extending rectangular piece attached to the bottom center of a longitudinally extending piece while Species IX is of a pants-like garment construction with a concave recess, and Species VIII comprises no hip-engaging portions at all. Species I comprises a triangular absorbent body having laterally extending fold notches as deformation zones while Species VI comprises two separate absorbent bodies that have been stacked together. (Only keyword have been given to help quickly differentiating species.

Thus, the species are mutually exclusive, and therefore would result in divergent searches (also see MPEP 806.04(f)).

Art Unit: 3761

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. A telephone call was made to Wendy Weinstein on 3/9/06 to request an oral election to the above restriction requirement, but did not result in an election being made. On 3/14/06, Ms. Weinstein requested a written restriction for further consideration by the applicant.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

Art Unit: 3761

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keshia Gibson
Examiner
Art Unit 3761

klg 3/14/06

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

